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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/502,390	02/10/2000	Roger K. Brooks	19838-000330US	5106
500	7590	05/14/2004	EXAMINER	
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC 701 FIFTH AVE SUITE 6300 SEATTLE, WA 98104-7092			AN, SHAWN S	
			ART UNIT	PAPER NUMBER
			2613	

PS

DATE MAILED: 05/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/502,390

Applicant(s)

BROOKS ET AL.

Examiner

Shawn S An

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 1-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. As per Applicant's instruction in Paper 11 as filed on 3/3/04, claims 16-29 have been amended and claims 30-32 have been newly added.

Response to Remarks

2. Applicant's arguments with respect to claims 16-29 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 16-29 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guetz et al (6,091,777) in view of Sparks et al (6,298,385 B1).

Regarding claims 16 and 23, Guetz et al discloses a program product (Fig. 1, col. 11, lines 12-18) and a method for dynamically changing characteristics of an input video stream to meet requirements for a different output video stream, comprising:

obtaining frames of data derived from the input video stream (Fig. 1, NTSC input);

deriving requirements for the output video stream, including an encoding format for the output video stream (col. 10, lines 36-60);

changing characteristics of the frames of data in response to the respective requirement of the output video stream, to provide different characteristics for each output video stream (col. 11, lines 1-11);

encoding characteristic changed frames of data to form the output video stream (Fig. 1).

Guetz et al does not seem to meet requirements for a plurality of different output video streams.

However, Sparks et al teaches changing characteristics of an input video stream to meet requirements for a plurality of different output video streams (abs.; Fig. 4).

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing a method for dynamically changing characteristics of an input video stream as taught by Guetz et al to incorporate the concept of changing characteristics of an input video stream to meet requirements for a plurality of different output video streams in order to provide real-time playback of different video formats.

Regarding claims 17 and 24, Guetz et al discloses changing spatial resolution used by the frames of data in response to the spatial resolution requirement (col. 4, lines 59-62).

Regarding claims 18 and 25, Guetz et al discloses subsampling the frames of data (col. 11, lines 1-11).

Regarding claims 19-20 and 26-27, Guetz et al discloses changing color bandwidth comprises changing a bit depth of the frames of data to any bit depth (col. 10, lines 61-67; col. 11, lines 1-11).

Regarding claims 21-22 and 28-29, Guetz et al discloses changing (eliminating) frame rate of the frames of data in response to the frame rate requirements (col. 11, lines 1-18).

Regarding claim 30, Guetz et al discloses increasing spatial resolution used by the frames of data if such conditions permit (col. 3, lines 28-34).

Regarding claim 31, Guetz et al discloses changing spatial bandwidth used by the frames differently for each session corresponding to each output video stream and based on different formats for respective output video streams (abs.).

Regarding claim 32, Guetz et al discloses adjusting the frame rate of the output compressed data stream so that the output data stream becomes commensurate with the available bandwidth of the transmission channel.

Therefore, it would have been obvious to a person of ordinary skill in the relevant art to simply reduce frame rate differently for each output video stream based on encoding formats or increase the frame rates of at least some of the output video streams in response to changes in either or both the client device characteristics or channel conditions that permit frame rate increase so that the output data stream becomes commensurate with the available bandwidth of the transmission channel.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

A) Ward et al (6,567,986 B2), Method and apparatus for distributing a globally accurate knowledge of time and frequency to a plurality of a high definition television studios.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Shawn S An whose telephone number is 703-305-0099. The examiner can normally be reached on Flex hours (10).
8. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SHAWN S. AN
PATENT EXAMINER

SSA

Primary Patent Examiner

5/13/04